

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA et. al.,

Plaintiffs,

v.

JETBLUE AIRWAYS CORPORATION, and
SPIRIT AIRLINES, INC.,

Defendants.

Case No. 1:23-cv-10511-WGY

**MOTION OF ASSOCIATION OF FLIGHT
ATTENDANTS-CWA, AFL-CIO, FOR LEAVE TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS' POSITION**

The Association of Flight Attendants-CWA, AFL-CIO, through undersigned counsel, requests leave of this Court to submit the attached *amicus curiae* brief in support of Defendants' position on the merger of JetBlue Airways Corporation ("JetBlue") and Spirit Airlines, Inc. ("Spirit"). The Association of Flight Attendants-CWA, AFL-CIO ("AFA-CWA") is the labor union organized by flight attendants for flight attendants, serving as a voice for flight attendants at their workplace and in the industry. AFA-CWA is the legally authorized representative of nearly 50,000 flight attendants at 19 airlines, including 5,600 flight attendants at Spirit. AFA-CWA seeks to file an amicus brief to explain how the proposed merger will create the sort of procompetitive consumer and employment benefits that profoundly affect the working conditions of flight attendants.

"[C]ourts have inherent authority and discretion to appoint amici." *Bos. Gas Co. v. Century Indem. Co.*, Case No. 02-cv-12062-RWZ, 2006 WL 1738312, at *1 n.1 (D. Mass. June 21, 2006). *See also Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 308 F.R.D. 39, 52 (D. Mass. 2015) (granting a broad role in proceedings to interested party as

amicus curiae). AFA-CWA respectfully requests that this Court exercise its broad discretion to accept the *amicus curiae* brief.

No party or party's counsel authored the brief in whole or in part. No party or party's counsel, and no person other than AFA-CWA, its members, or its counsel, contributed money intended to fund preparing or submitting the brief.

WHEREFORE, *Amicus Curiae* Party Association of Flight Attendants-CWA, AFL-CIO respectfully requests that the Court grant leave to file the attached brief.

Date: December 13, 2023

Respectfully submitted,

/s/ Jamie R. Lynn

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CERTIFICATE OF CONFERENCE

I, Taylor M. Owings, hereby certify that I have attempted in good faith to confer to resolve or narrow the issue with counsel for Plaintiffs and counsel for Defendants. Defendants have consented, but I have not obtained a position on consent from Plaintiffs.

/s/ Taylor M. Owings

CERTIFICATE OF SERVICE

I, Jamie R. Lynn, hereby certify that I am filing this document via the Court's ECF system, and relying on the system to make service on all parties. All counsel are registered participants.

/s/ Jamie R. Lynn